

#### DEPARTMENT OF THE NAVY

OFFICE OF THE CHIEF OF NAVAL OPERATIONS WASHINGTON. DC 20350-2000

IN REPLY REFER TO

OPNAVINST 3128.9C OP-61

1 0 MAY 1991

#### OPNAY INSTRUCTION 3128.9C

From: Chief of Naval Operations

Subj: DIPLOMATIC CLEARANCE FOR CERTAIN U.S. NAVY MARINE DATA COLLECTION ACTIVITIES IN FOREIGN JURISDICTIONS

Ref:

(a) OPNAVINST C3128.3R (NOTAL)

- (b) OFNAVINST 3710.2E (NOTAL)
- (c) USAF Foreign Clearance Guide (FCG) (NOTAL)
- (d) OPNAVINST 3710.18B (NOTAL)
- (e) DoD 2005.1-M (Maritime Claims Reference Manual) of Jul 90 (NOTAL)
- (f) OPNAVINST 5510.48J (Manual for Disclosure of Classified Military Information)
- (g) OPNAVINST 4650.11F

Encl: (1) State Department Requirements for Advance Submission of Diplomatic Clearance Requests

- (2) Preliminary Cruise Report Format
- 1 <u>Purpose</u>. To provide guidance for determining when diplomatic (R clearance is required for activities of ships, aircraft, and balloons operated by or for the U.S. Navy, involving marine data collection activities in or over foreign territorial seas, archipelagic waters, exclusive economic zones, or on continental shelves. Also to provide guidance on how to obtain such clearance when required.
- 2. Cancellation. OPNAV Instruction 3128.9B.

## 3. Scope

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- a. This instruction applies to sponsoring commands, offices, and commanders exercising control over operations of the type described in paragraph 1, above.
  - b. This instruction does not apply to:
    - (1) Intelligence operations;
- (2) Activities of civilian oceanographic institutions operating ships or aircraft that are owned by the U.S. Navy, but leased or bonded to academic institutions;



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- (3) Operation of navigation, meteorologic, telecommunication, and similar data gathering instruments used in the normal course of navigation. Use of such instruments does not require coastal nation consent, regardless of the location.
- c. References (a) through (d) contain separate procedures for obtaining diplomatic clearances for ship port visits and aircraft flights to or within foreign countries. These instructions do not address marine data collection activities and should not be confused with guidance contained in this instruction.

#### 4. Definitions

- R)

  a. Territorial Sea. A belt of ocean measured seaward to a maximum breadth of 12 nautical miles from the baseline of the coastal nation. Baselines drawn under international law normally follow the low-water mark of the coastline. However, nations may, in certain geographic circumstances, claim straight baselines from which their territorial sea may be measured. Coastal nations may regulate all types of marine data collection in their territorial sea.
- A) b. Archipelagic Nation/Archipelagic Waters. An archipelagic nation is constituted wholly of islands. Strict land-water ratios must be met for a nation to legally claim archipelagic status. Archipelagic waters include the water column, seabed and subsoil, and airspace within archipelagic baselines drawn in accordance with international law. Archipelagic nations may regulate all types of marine data collection in their archipelagic waters.
- A) c. Exclusive Economic Zone (EEZ). An area beyond and adjacent to the territorial sea, extending up to 200 nautical miles from the baseline from which the territorial sea is measured. Coastal nations may regulate marine scientific research and research activities related to resource exploration in their EEZ; they may not, however, regulate military surveys or hydrographic surveys in their EEZ.
- R) d. Continental Shelf. The seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory and beyond, extending to a minimum distance of 200 nautical miles from the baseline from which the territorial sea is measured. In some circumstances, the continental shelf may extend beyond 200 nautical miles. Coastal states may regulate marine scientific research activities and research activities related to resource exploration on their continental shelf; they may not, however,

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regulate hydrographic surveys or military surveys on their continental shelf beyond the territorial sea.

- e. <u>High Seas</u>. All parts of the sea not included in the internal waters, territorial sea, or archipelagic waters of a nation. Except for resource-related activity and marine scientific research, the EEZ is considered part of the high seas.
- f. Marine Data Collection. For purposes of this instruction, (A marine data collection is the general term used when referring to all types of scientific or survey activity, i.e., marine scientific research, hydrographic surveys, and military surveys, regulated by this instruction.
- g. Marine Scientific Research (MSR). For purposes of this instruction, MSR refers to activities undertaken in the ocean and coastal waters to expand general scientific knowledge of the marine environment, and includes: oceanography, marine biology, fisheries research, scientific ocean drilling and coring, geological/geophysical scientific surveying, as well as other activities with a scientific purpose. MSR shall be conducted with appropriate scientific methods and shall be exclusively for peaceful purposes. MSR shall not unjustifiably interfere with other legitimate uses of the sea. MSR is subject to coastal state regulation within its territorial sea, archipelagic waters, EEZ, and on its continental shelf.
- h. Hydrographic surveys. For purposes of this instruction, hydrographic survey includes determination of one or more of several classes of data in coastal or relatively shallow areas—depth of water, configuration and nature of the natural bottom, directions and force of currents, heights and times of tides and water stages, and hazards to navigation—for the production of nautical charts and similar products to support safety of navigation. For purposes of this instruction, hydrographic surveys do not include general oceanographic studies or descriptions of the ocean's water column, deep water bathymetric work, marine data collection for military purposes, or any other data collection that is not related to safety of navigation. Hydrographic survey activity as defined above, when carried out outside the territorial sea or archipelagic waters, is not subject to coastal state regulation.
- i. Military surveys. For purposes of this instruction, the phrase "military surveys" refers to activities undertaken in the ocean and coastal waters involving marine data collection (whether or not classified) for military purposes. Military surveys can include oceanographic, marine geological, geophysical, chemical, biological, acoustic, and related data. Military survey activity carried out outside foreign territorial

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seas/archipelagic waters is <u>not</u> subject to coastal state regulation.

#### R) 5. Determining requirements for diplomatic clearances

#### a. Marine data collection by U.S. Navy ships and aircraft

- (1) U.S. Navy ships and aircraft are usually used exclusively for military survey activity or hydrographic survey activity.
- (2) To avoid confusion in applying diplomatic clearance requirements, U.S. Navy ships shall not combine MSR activity with military or hydrographic survey activity. Similarly, the results of military or hydrographic survey activity may not be published later as MSR.
- (3) On rare occasions, U.S. Navy ships and aircraft engage in MSR activity. For policy reasons, such projects should be coordinated in advance with the Chief of Naval Operations (CNO) (OP-096).

#### b. When diplomatic clearances are required

- (1) Diplomatic clearance <u>must</u> be obtained by ships and aircraft before conducting <u>marine scientific research</u>, <u>hydrographic surveys</u>, or <u>military surveys</u> within lawfully claimed territorial seas (i.e., a maximum of 12 nautical miles measured from baselines drawn under international law) or archipelagic waters of a foreign country. Requirements by the coastal state for onboard observers, data sharing, and post-cruise reports may be conditions of the clearance.
- (2) Diplomatic clearance <u>must</u> be obtained by ships and aircraft before conducting <u>marine scientific research</u> in the EEZ or on the continental shelf of a foreign country. Requirements by the coastal state for onboard observers, data sharing, and post-cruise reports may be conditions of the clearance.
- (3) No diplomatic clearance is required before conducting military surveys or hydrographic surveys in the EEZ or on the continental shelf of a foreign country, and clearance will not be requested.
- (4) Whenever hydrographic surveys or military surveys occur in both territorial seas or archipelagic waters <u>and</u> in EEZ's, diplomatic clearance will be requested <u>only</u> for that portion occurring inside the territorial sea or archipelagic waters.

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- (5) Information regarding maritime claims, e.g., territorial seas, continental shelves, and EEZ's, of coastal nations are provided in reference (e); in addition, enclosure (1) provides a summary of the areas regulated by select coastal nations. The U.S. recognizes territorial sea claims to a maximum breadth of 12 nautical miles, EEZ's to a maximum of 200 nautical miles, and continental shelves to a minimum of 200 nautical miles, from baselines drawn under international law.
- (6) Early coordination is strongly encouraged to determine the status of coastal nation claims and, in uncertain cases, the need for diplomatic clearance. Inquiries concerning the extent of coastal nation claims should be addressed to CNO (OP-616) or Navy Judge Advocate General (JAG) (Code 10). Inquiries concerning the appropriate categorization of marine data collection activity and the need for diplomatic clearance should be addressed to CNO (OP-096), who will coordinate, as necessary, with OP-616 and the Department of State. Such inquiries must be made sufficiently in advance to accommodate lead times addressed in subparagraph 6a.

## 6. Procedures for requesting diplomatic clearance

a. <u>Message requests</u>. The commander exercising project control over any marine data collection for which diplomatic clearance is required under subparagraph 5b shall submit a request by message to CNO (Attn: OP-096 and 616), with an information copy to the operating command or agency, containing the information listed below. <u>Requests should be submitted 15 days in advance of the State Department lead-time requirements</u>. (Enclosure (1) is the most recent State Department list of country lead-time requirements for research activities in foreign jurisdictions—these lead-time requirements apply to research and survey activities, i.e., MSR, hydrographic survey, or military survey, which require diplomatic clearance under this instruction.) Inquiries concerning lead-time requirements should be addressed to CNO (OP-616).

## b. Information to be provided in clearance requests

- (1) Name and type of participating ship, balloon, or aircraft. If civilian-owned, specify owner and relationship to Navy (e.g., bareboat charter, time or voyage charter, or other contractual relationship).
- (2) Gross tonnage, length overall, maximum draft of ships; cubic volume of balloons.
  - (3) Radio call sign and emergency frequencies.

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- (4) Operating command or agency, e.g., Naval Oceanographic Office (NAVOCEANO); Commander Military Sealift Command (COMSC) for NAVOCEANO; Commander in Chief, Atlantic Fleet (CINCLANTFLT); Commander Space and Naval Warfare Systems Command (COMSPAWARSYSCOM).
- (5) Title, purpose, and brief description of project procedures and objectives: specify whether the activity is MSR, hydrographic survey, or military survey; describe any planned drilling, coring, or other method of bottom sampling; security classification of the project and of the resulting data/report. The terms "science" or "research" will not be used in messages requesting clearance for military or hydrographic surveys.
  - (6) Data to be collected.
- (7) Equipment to be used, including quantity, type, and size of explosives, if any.
- (8) Name and location of project area, including coordinates of all sites or stations, closest point of approach to foreign territory during project, depth and location of shallowest bottom contact (other than anchoring), or taking of sedentary species. The closest point of approach to foreign territory must be consistent with U.S. policy of not recognizing territorial seas in excess of 12 nautical miles. Where territorial sea claims are excessive, provide the closest point of approach to 12 nautical miles from the baseline drawn in accordance with international law.
- (9) Inclusive dates of operation and other significant dates.
- (10) Itinerary from point of origin to destination, including dates, time and places of all crossings into foreign territory (land and sea), operating areas, port visits, and intermediate stops. The place of crossing into foreign territory must be consistent with U.S. policy of not recognizing territorial seas in excess of 12 nautical miles. Where territorial sea claims are excessive, provide the crossing point 12 nautical miles from the baseline drawn in accordance with international law.
  - (11) If ships will be saluting or non-saluting.
- (12) Whether local flights for ship-based aircraft or ship-based balloons are desired.

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- (13) As applicable, names, dates of rank, titles, and units of embarked flag officers; unit commanders; distinguished visitors; commanding officer.
- (14) For civilian units or ships not in commission, name of master, pilot, or chief operator.
- (15) Number and branch of service of military officers and enlisted personnel, including those embarked in civilian units or ships not in commission.
  - (16) Number of civilian officers and crew.
- (17) Number of members of scientific party (for MSR)/survey party (for military or hydrographic survey). The terms "scientist" or "researcher" will not be used in messages requesting clearance for military or hydrographic surveys.
- (18) Name, title, and affiliation of principal scientists (for MSR)/surveyors (for military or hydrographic survey). The terms "scientist" or "researcher" will not be used in messages requesting clearance for military or hydrographic surveys.
- (19) Foreign participation and special requirements: berths available for foreign participants (at least two should be offered); whether additional research (for MSR)/surveys (for military or hydrographic survey) could be undertaken upon request of foreign participants/government; required forms or coastal-state sponsorship requirements (Department of State, Notices to Research Vessel Operators contains the most recent list of such requirements). Onboard observer berths will not be offered for military surveys, and will be provided only if specifically required by the coastal state as a condition of granting diplomatic clearance.
- (20) Benefits to the coastal state (availability of data, etc.). (Not applicable for military surveys occurring in territorial seas.)
- c. Operational and technical specifications. Commanders exercising project control shall forward to CNO (OP-616 and 096), as early as practicable, operational or technical specifications to confirm and amplify message requests submitted under this instruction. When diplomatic clearance is required, these specifications are submitted to the Department of State (Bureau of Oceans and International Environmental and Scientific Affairs) for transmittal to the country concerned. In amplifying the information required by paragraph 6b(8), specifications must

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include a chart of suitable scale depicting appropriate tracks and location of operations. (Tentative specifications or a precis should be provided at the time the message request is submitted.)

- d. <u>Notification to Requesting Commanders</u>. Commanders initiating clearance requests, and the designated operating command or agency, will be advised when clearance arrangements are completed.
- e. <u>Modification to Approved Operations</u>. This subparagraph is applicable to MSR only. Senior scientists aboard research platforms are normally authorized to make minor modifications to the project to optimize results. However, that authority may be constrained by overriding legal and political considerations. Modification, therefore, that might result in not meeting the requirements in paragraph 5 for submission of a request, must be concurred in by CNO (OP-616 and O96).

#### R) 7. Survey and Cruise Reports and Exchange of Information

- a. <u>General</u>. Many countries require access to the data and evaluations derived from MSR, hydrographic surveys, and military surveys as a condition for granting diplomatic clearance. These requirements will normally be specified in the document granting clearance. Navy will provide data and results of military survey activity only when specifically requested by the coastal nation as part of the diplomatic clearance. Inquiries regarding such requirements should be addressed to CNO (OP-096). These requirements are often satisfied by providing raw data to the host country project participants or to agencies designated by the coastal state. Countries may also require formal submission of a post-project or cruise report.
- b. <u>Considerations</u>. Senior survey representatives and commanders must consider the impact of these requirements on the project and, for projects involving classified information, the impact of such release upon national security.
- c. Reports. Commanders of projects involving diplomatic clearance shall submit an interim cruise report, in the format specified in enclosure (2), to CNO (OP-096) within 30 days after completion of the cruise or project. Reports containing classified information, e.g., those derived from military survey operations in territorial seas or archipelagic waters, must be forwarded to the Navy International Programs Office (NIPO-10) using reference (f). The interim report should indicate when the final report is expected to be available. The report should also reflect what data has been provided to host government representatives as well as any pending requests for additional

information. Instructions for delivering additional information, including the final report, to host government representatives will be provided by CNO (OP-096).

- 8. <u>Port Visits</u>. Reference (a) provides guidance for port visits made during the course of the project.
- 9. <u>Travel Clearance</u>. If traveling on official temporary additional duty (TAD) or temporary duty (TEMDU) to or from survey vessels and U.S. naval ships located overseas where the traveler must enter or exit an area under foreign control, the following personnel must comply with the provisions of reference (g):
  - a. U.S. Navy military personnel;
  - b. U.S. Navy civilian personnel;
- c. Personnel traveling under U.S. Navy sponsorship, including Department of Defense contract employees.
- 10. Aircraft and Balloons. References (b) through (d) contain information on flights to or within foreign countries. The fact that diplomatic clearance has been obtained for airborne offshore marine data collection activities does not eliminate the need for fulfilling normal overflight requirements, e.g., Notices to Airmen (NOTAMs), flight plans, etc.
- 11. Classification. Requests, information, reports, and messages on this subject should be appropriately classified, especially with regard to requesting clearance into politically sensitive areas. Information about prospective operations in areas of foreign jurisdiction shall not be made public until after diplomatic clearance has been granted. Requests from the host country for joint or simultaneous public releases and such other specific limitations which accompany the clearance will normally be complied with. However, nothing in this paragraph is intended to alter, modify, or contravene existing directives concerning the public release of information.
- 12. Reports. OPNAV 3128-5 has been assigned to the requirement contained in paragraph 6. OPNAV 3128-6 has been assigned to the requirement contained in enclosure (2). These reports are approved for three years from the date of this directive.

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ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS (PLANS, POLICY AND OPERATIONS) (OP-06B) (R

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## NATIONAL CLAIMS TO COMPETENCE OVER RESEARCH AND SURVEY ACTIVITIES\*

| COUNTRY   | TERRITORIAL<br>SEA**  | EEZ†  | <u>LEADTIME</u> ††<br>(months)                                     |
|---|---|---|--|
| Albania<br>Algeria<br>Angola<br>Antigua &   | 12<br>12<br>20  | -<br>-<br>200   | 3<br>3<br>3  |
| Barbuda<br>Argentina (1)<br>Australia   | 12<br>200<br>12   | 200<br>200<br>200   | 3<br>7<br>7  |
| Bahamas Bahrain Bangladesh Barbados Belgium Belize Benin Brazil Brunei Bulgaria Burma   | 3<br>3<br>12<br>12<br>12<br>12<br>3<br>200<br>200<br>12<br>12<br>12               | 200<br>-<br>200<br>200<br>200<br>-<br>200<br>200<br>200<br>200<br>200 | 3<br>3<br>3<br>3<br>3<br>3<br>7<br>3<br>3<br>3<br>3                |
| Cambodia Cameroon Canada Cape Verde (2) Chile China Colombia Comoros (2) Congo Cook Islands (NZ) Costa Rica Cote d'Ivoire Cuba Cyprus | 12<br>50<br>12<br>12<br>12<br>12<br>12<br>12<br>12<br>200<br>12<br>12<br>12<br>12 | 200<br>-<br>200<br>200<br>200<br>-<br>200<br>200<br>200               | 3<br>3<br>2<br>3<br>7<br>3<br>7<br>3<br>3<br>3<br>3<br>3<br>3<br>3 |
| Denmark (3)<br>Djibouti<br>Dominica<br>Dominican Republic   | 3<br>12<br>12<br>6  | 200<br>200<br>200<br>200  | 4<br>3<br>3<br>3   |
| Ecuador<br>Egypt<br>El Salvador (1)<br>Equatorial Guinea<br>Ethiopia  | 200<br>12<br>200<br>12<br>12  | 200<br>200<br>200<br>200  | 5<br>3<br>3<br>3<br>3  |

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| COUNTRY   | TERRITORIAL<br>SEA**                              | EEZ†   | LEADTIME † † (months)                |
|---|---|--|--------------------------------------|
| Fed.Rep.Germany (4) Fiji (2) Finland France (5)   | 3   | 200  | 3                                    |
|   | 12  | 200  | 7                                    |
|   | 4   | 12   | 3                                    |
|   | 12  | 200  | 5                                    |
| Gabon Gambia, The German Dem. Rep. Ghana Greece Grenada Guatemala Guinea Guinea-Bissau Guyana | 12<br>12<br>12<br>12<br>6<br>12<br>12<br>12<br>12 | 200<br>200<br>200<br>200<br>-<br>200<br>200<br>200<br>200<br>200 | 3<br>3<br>3<br>3<br>3<br>3<br>3<br>4 |
| Haiti   | 12  | 200  | 3                                    |
| Honduras  | 12  | 200  | 4                                    |
| Iceland India Indonesia (2) Iran Iraq Ireland Israel Italy                                    | 12<br>12<br>12<br>12<br>12<br>12<br>12<br>6<br>12 | 200<br>200<br>200<br>50<br>-<br>200                              | 7<br>7<br>7<br>3<br>3<br>7<br>3      |
| Jamaica   | 12  | -  | 3                                    |
| Japan (6)   | 12  | 200  | 3                                    |
| Jordan  | 3   | -  | 3                                    |
| Kenya<br>Kiribati<br>Korea (North) (7)<br>Korea (South) (8)<br>Kuwait                         | 12<br>12<br>12<br>12<br>12                        | 200<br>200<br>200<br>-   | 3<br>3<br>3<br>3<br>3                |
| Lebanon   | 12  | -  | 3                                    |
| Liberia   | 200   | 200  | 3                                    |
| Libya   | 12  | -  | 3                                    |
| Madagascar  | 12  | 200  | 3                                    |
| Malaysia  | 12  | 200  | 3                                    |
| Maldives (9)  | 12  | 37-310   | 3                                    |
| Malta   | 12  | 25   | 3                                    |

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| COUNTRY             | TERRITORIAL<br>SEA** | EEZ†         | <u>LEADTIME</u> ††<br>(months) |
|---------------------|----------------------|--------------|--------------------------------|
| Marshall Islands    | 12                   | 200          | 3                              |
| Mauritania          | 12                   | 200          | 3<br>3<br>3                    |
| Mauritius           | 12                   | 200          | 3                              |
| Mexico              | 12                   | 200          | 7                              |
| Micronesia          | 12                   | 200          | ,                              |
| Monaco              | 12                   | -            | 3<br>3                         |
| Morocco             | 12                   |              | 3                              |
| Mozambique          | 12                   | 200          | 7                              |
| Mozambique          | 12                   | 200          | 3                              |
| Namibia             | 12                   | 200          | 3                              |
| Nauru               | 12                   | 200          | 3                              |
| Netherlands         | 12                   | 200          | 4                              |
| New Zealand (10)    | 12                   | 200          |                                |
| Nicaragua `´´       | 200                  | 200          | 3                              |
| Nigeria             | 30                   | 200          | 3<br>3<br>7                    |
| Niue                | 12                   |              | /                              |
| Norway              | 4                    | 200          | 3                              |
| Notway              | 4                    | 200          | 3                              |
| Oman                | 12                   | 200          | 4                              |
| Pakistan            | 12                   | 200          | 3                              |
| Panama              | 200                  | 200          | 4                              |
| Papua New Guinea(2) | 12                   | 200          |                                |
| Peru                | 200                  | 200          | 3<br>5<br>3<br>3               |
| Philippines (11)(2) | _                    | 200          | 3                              |
| Poland              | 12                   | 200          | 3                              |
| Portugal            | 12                   |              |                                |
| 10104941            | 12                   | 200          | 7                              |
| Qatar               | 3                    | 200          | 3                              |
| Romania             | 12                   | 200          | 3                              |
| Saint Kitts         |                      |              |                                |
| & Nevis             | 12                   | 200          | 3                              |
| Saint Lucia         | 12                   | 200          | _                              |
| Saint Vincent       | 12                   | 200          | 3<br>3                         |
| Sao Tome &          | 12                   | 200          | 3                              |
| Principe (2)        | 12                   | 200          | _                              |
| Saudi Arabia        |                      | 200          | 3                              |
| Senegal             | 12                   | <del>-</del> | 3<br>3<br>7                    |
|                     | 12                   | 200          |                                |
| Seychelles          | 12                   | 200          | 3                              |
| Sierra Leone        | 200                  | 200          | 3                              |
| Singapore           | 3                    | 12           | 3<br>3<br>3<br>3<br>3<br>7     |
| Solomon Islands (2) | 12                   | 200          | 3                              |
| Somalia             | 200                  | 200          |                                |
| South Africa        | 12                   | 200          | 3                              |
| Soviet Union        | 12                   | 200          | 7                              |
| Spain               | 12                   | 200          | 7                              |
| Sri Lanka           | 12                   | 200          | 3                              |
|                     |                      |              | •                              |

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| COUNTRY   | TERRITORIAL<br>SEA**                                | <u>EEZ</u> †                 | <u>LEADTIME</u> ††<br>(months) |
|---|---|------------------------------|--------------------------------|
| Sudan<br>Suriname<br>Sweden<br>Syria              | 12<br>12<br>12<br>35                                | -<br>200<br>200<br>-         | 3<br>3<br>2<br>3               |
| Tanzania<br>Thailand<br>Togo<br>Tonga<br>Trinidad | 12<br>12<br>30<br>12                                | 200<br>200<br>200<br>200     | 3<br>3<br>3<br>3               |
| & Tobago (2)<br>Tunisia<br>Turkey                 | 12<br>12<br>6 (12 in Black &<br>Mediterranean Seas) | 200<br>12<br>200 (Black Sea) | 7<br>3<br>7                    |
| Tuvalu  | 12  | 200                          | 3                              |
| Ukrainian SSR<br>United Arab                      | 12  | 200                          | 3                              |
| Emirates (12)                                     | 3   | 200                          | 3                              |
| United Kingdom (13)                               |   | 200                          | 4                              |
| United States (14)<br>Uruguay (1)                 | 12<br>200   | 200<br>200                   | 3<br>3                         |
| Vanuatu (2)                                       | 12  | 200                          | 3                              |
| Venezuela   | 12  | 200                          | 5                              |
| Vietnam   | 12  | 200                          | 3                              |
| Western Samoa                                     | 12  | 200                          | 3                              |
| Yemen (PDRY)                                      | 12  | 200                          | 3                              |
| Yemen (YAR)                                       | 12  | 12                           | 3                              |
| Yugoslavia  | 12  | 12                           | 3                              |
| Zaire   | 12  | 200                          | 3                              |

#### <u>NOTES</u>

- \* Maritime claims are constantly changing. Advance coordination is strongly encouraged. Inquiries should be referred to CNO (OP-616) or Navy JAG (International Law Division).
- \*\* The United States does <u>not</u> recognize territorial sea claims in excess of 12 nautical miles; however, for purposes of this instruction, portions of a claimed territorial sea which exceed 12 nautical miles will be treated as an EEZ. Thus, for purposes of obtaining diplomatic clearance, a nation claiming a 200 nautical mile territorial sea is treated as having a 12 nautical mile territorial sea <u>and</u> an EEZ extending 200 nautical miles from the baseline.
- † Some EEZs are technically listed as Exclusive Fisheries Zones under the domestic legislation of the coastal nation. In the context of this instruction, however, such zones are treated as EEZs for purposes of obtaining diplomatic clearance for marine data collection.
- †† Lead-times listed refer to Department of State requirements; for purposes of this instruction, message requests for diplomatic clearance <u>must</u> be submitted 15 days <u>in advance</u> of each lead-time indicated.
- 1. Free overflight and navigation permitted beyond 12 nautical miles.
- 2. Maritime limits are measured from claimed "archipelagic baselines" which are drawn under international law; these baselines generally connect the outermost points of the outer islands which comprise the archipelago.
- 3. Includes Greenland and the Faeroe Islands.
- 4. The Federal Republic of Germany's territorial sea in the Helgolander Bucht extends, at one point, to 16 nautical miles.
- 5. Includes all French overseas departments and dependencies.
- 6. Japan's territorial sea remains three nautical miles in five international straits.
- 7. North Korea also claims a 50 nautical mile "military boundary line" in the Sea of Japan and a 200 nautical mile boundary in the Yellow Sea. All foreign vessels and aircraft are prohibited from entering these areas absent permission of the North Korean Government.
- 8. South Korea's territorial sea remains three nautical miles in the Korea Strait.

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- 9. The Maldives' EEZ is defined by geographical coordinates. The zone is, in part, a rectangle and, in part, a boundary with India. The breadth of the zone varies from approximately 35 nautical miles to more than 300 nautical miles.
- 10. Includes Tokelau.
- 11. The Philippines has a rectangular territorial sea of varying breadths.
- 12. The Emirate, Sharjah, claims a 12 nautical mile territorial sea.
- 13. Includes Bermuda.
- 14. Includes Puerto Rico, U.S. Virgin Islands, American Samoa, Guam, Johnston Atoll, Palmyra Atoll, Midway Island, Wake Island, Jarvis Island, Kingman Reef, Howland Island, Baker Island, and Northern Marianas. Palau, which is still part of the Trust Territory of the Pacific Islands, claims a three nautical mile territorial sea and a 200 nautical mile fishery zone.

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# MARINE SCIENTIFIC RESEARCH CRUISE REPORT OR MILITARY SURVEY CRUISE REPORT OR HYDROGRAPHIC SURVEY CRUISE REPORT

## SHIP NAME\_\_\_\_\_ OPERATING COMMAND/AGENCY\_\_\_\_ CLEARANCE COUNTRIES\_\_\_\_ DATES PROJECT TITLE(S) PORT CALLS SENIOR SCIENTIST (for MSR) SENIOR SURVEYOR (for military survey or hydrographic survey) FOREIGN PARTICIPANTS\_\_\_\_ DESCRIPTION OF SCIENTIFIC PROGRAM (for MSR) DESCRIPTION OF SURVEY OPERATION (for military survey or hydrographic survey) NAME AND ADDRESS OF CONTACT TO WHOM INQUIRIES REGARDING CRUISE SHOULD BE MADE

NOTE: Use format appropriate to your activity as shown in the choices above.